

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF MONTGOMERY, VIRGINIA HELD ON THE 24th DAY OF MAY 2004, AT 7:15 P.M. IN THE BOARD CHAMBERS, MONTGOMERY COUNTY GOVERNMENT CENTER, 755 ROANOKE STREET, CHRISTIANSBURG, VIRGINIA:

PRESENT:	James D. Politis	-Chair
	Annette S. Perkins	-Vice Chair
	Gary D. Creed	-Supervisors
	Doug Marrs	
	Steve L. Spradlin	
	B. Clayton Goodman, III	-County Administrator
	L. Carol Edmonds	-Assistant County Administrator
	Martin M. McMahon	-County Attorney
	T.C. Powers	-Planning Director
	Robert C. Parker	-Public Information Officer
	Steve Sandy	-Zoning Administrator
	Vickie L. Swinney	-Secretary
ABSENT:	Mary W. Biggs	-Supervisors
	John A. Muffo	

CALL TO ORDER AND PLEDGE OF ALLEGIANCE

The Chair called the meeting to order and the Pledge of Allegiance was recited.

PUBLIC HEARINGS

Special Use Permit

Harvey L. Morris and Susan R. Cochran request a Special Use Permit on a 6.56 acre tract in Agriculture (A-1), with possible conditions, to allow a landscaping contractor's storage yard. The property is located at 444 Aurora Lane and is identified as Tax Parcel No. 67-A-200L (Acct ID # 026692) in the Shawsville Magisterial District. The property currently lies in an area designated as Urban Expansion in the Comprehensive Plan.

The Zoning Administrator provided a brief overview of the request. The applicants have operated a

landscaping business, First Impressions Lawns and Landscaping, on their property since 1999. They were not aware that a permit was required. The applicant is requesting a special use permit to allow a landscaping contractor's storage yard to make this business a legal use. The major concern by neighbors is the impact to the access road. The business is located off a private road, Aurora Lane, and paved for only 500 feet. The remaining road is unpaved and shared with approximately ten other residences. This road has some steep grades, particularly in the area of the private drive that serves the applicant and two other residents. Aurora Lane is not very well maintained and this could be due to the increase truck traffic emanating from the landscaping business. The applicant has stated willingness to upgrade the road.

The Planning Commission discussed the request at their May 12, 2004 and May 19, 2004 meeting. They recommended approval of this request with six conditions, with the one of the conditions being that Aurora Lane shall be graveled and widened to 18 feet and improved from the existing paved area to the private drive serving the storage yard as agreed upon by the applicant and homeowners with the applicant paying a minimum of 50% of any installation costs. The private drive shall be graveled and widened to 16 feet from Aurora Lane and the applicant to pay a minimum of 60% of improvements and maintenance costs.

Mitzi Vernon expressed concerns with the road agreement. Ms. Vernon submitted a petition from seven out of ten residents who live on Aurora Lane, with their request on the road agreement. First Impressions Lawn and Landscaping has committed to pay 50% of any installation upgrade costs on Aurora Lane and has suggested it be graded, widened to 18 feet, and graveled. The residents would like for it to be paved instead, with width between 14 and 16 feet. First Impressions has also committed to pay 50% of all costs to maintain Aurora Lane. The residents would agree to enter into a written road maintenance agreement based upon these terms, provided they can agree on road improvements. Ms. Vernon stated that graveling Aurora Lane is not the solution and requested for it to be paved. Also, Ms. Vernon requested that any new structures be constructed behind the existing building.

Carol Roberson commented that she could support the special use permit request as revised and approved by the Planning Commission at their May 19, 2004 meeting. Ms. Roberson requested that construction of additional buildings be restricted to being behind the present building and not beside the private road. She asked that Aurora Lane be paved, not graveled; and the private lane not be widened, but graded with two turn outs added. Ms. Roberson also believes that a written road maintenance agreement on both roads should be required before a permit is issued.

Gerald Marks, agent for the applicant, distributed a handout that detailed the areas for the storage yard. The new building will be located behind the existing building, with the existing building to be used as storage. The site is to store equipment only. The employees meet at this location to pick up the equipment and leave for their designated work site. The equipment is returned in the evening. Mr. Marks stated that the applicant has agreed to pay 50% of the road improvements on Aurora Lane by grading, widening to 18 feet, and graveling. He has also agreed to pay 60% of the upgrade to the private drive and 60% of maintenance costs thereafter. Mr. Marks asked for the Board's support and approve this request.

Chris Compton addressed the Board concerning this request. Mr. Compton would like for Aurora Lane to be widened and paved.

There being not further speakers, the public hearing was closed.

Rezoning Request

Frank and Ruth Cupp (Agent: Matthews & Henegar, Inc.) request to rezone approximately 1.75 acres from Agriculture (A-1) to Residential Multiple-Family (RM-1), with possible proffered conditions, to allow the construction of eleven (11) townhomes for senior adults. The property is located at 1138 & 1140 Huff Lane (Rte. 733) and is identified as Tax Parcel No. 66-6-3 (Acct ID # 000378) in the Prices Fork Magisterial District. The property currently lies in an area designated as Urban Expansion in the Comprehensive Plan.

The Zoning Administrator provided a brief overview of this request. Frank Cupp has requested a rezoning of 1.75 acres from A-1 to RM-1 to allow the construction of 11 townhomes. Currently there are two single family dwellings on the property which will be demolished. The surrounding neighborhood consists of single family, detached dwellings and manufactured homes. The Planning staff concluded that this request exceeds the comprehensive plan's future land use designation for low density and single family dwellings for this area. It appears to be spot zoning due to the majority of surrounding development is low density. At their May 12, 2004 meeting, the Planning Commission recommended denial of this request. They felt the request is not in compliance with the comprehensive plan because the density of the proposed project is not in character with the surrounding land use. They also recognized that this request would have a negative impact on Huff Lane and the capacity issues in the schools. The Planning Commission concluded that rezoning to R-3 would be a better, slightly less intense use of the property. This type of use would allow three (3) duplexes or six (6) dwelling units. R-3 zoning would put less demand on the Public Service Authority, less traffic on Huff Lane, and fewer students in the Kipps/Blacksburg Strand Schools.

Paul Henegar, Matthews & Henegar, Inc., agent for the applicant, spoke on behalf of Mr. Cupp. Mr. Henegar stated it is the applicant's desire to construct eleven (11) townhomes. The proposed development consist of two 3 -dwelling units and one 5 -dwelling unit. If the Board of Supervisors can't support this request, Mr. Cupp is willing to consider amending his request and ask for R-3 zoning in order to construct three duplex units.

The Board asked the County Attorney if another public hearing would be required on the request for R-3 zoning. The County Attorney advised that it was at the Board's discretion if another public hearing was held. They could approve a lesser density zoning without another public hearing. The Board determined that if they considered a lesser density zoning they would prefer to either have another public hearing or refer it back to the Planning Commission.

Clay Bartlett spoke in opposition to proposed rezoning request. Mr. Bartlett submitted a petition from the residents on Huff Lane to the Planning Commission opposing any type of rezoning. The surrounding area is single family homes and townhouses would not conform to the existing characteristics of the area. Mr. Bartlett also expressed concerns with the traffic conditions on Huff Lane. Huff Lane is a paved, single lane road, with 200 plus vehicles traveling this road daily. Mr. Bartlett believes the proposed development would create more traffic.

Leslie Simmers spoke in opposition to the proposed rezoning request. Ms. Simmers expressed several concerns relating to the proposed rezoning. She believes the proposed development will create more noise and increased traffic. Huff Lane is a surface treated road with no speed limit posted. The entrance to the site tops a hill and there is no adequate site distance, creating a safety hazard. Ms. Simmers asked the Board to deny Mr. Cupp's request.

Eugene Mason spoke in opposition to the proposed rezoning request. Mr. Mason agrees with the comments made by the previous speaker, Leslie Simmers. He believes the proposed rezoning does not conform to the surrounding neighborhood and expressed concerns with traffic safety. He stated he is opposed to any type of rezoning, whether it was RM-1 or R- 3,

David Adkins spoke in opposition to the proposed rezoning request. Mr. Adkins stated he has been a resident on Huff Lane for fifteen years and believes the development of townhouses would ruin the characteristics of the neighborhood. He expressed concerns with the traffic issue, noise issue, and lack of site distance with the entrance way. Mr. Adkins urged the Board to uphold the Planning Commission's recommendation and deny this request.

There being no further speakers, the public hearing was closed.

Special Use Permit Amendment

Blue Ridge Christian Camp (Agent: Bradford Stipes, PE; Anderson & Assoc., Inc.) requests an amendment to a Special Use Permit approved July 28, 1986 to operate a church-oriented campground on 47 acres in Agriculture (A-1), with possible conditions, to allow new dining, residential and indoor activity improvements. The property is located at 1755 Sterling Drive and is identified as Tax Parcel Nos. 49-9-101, 102 (Acct ID # 070519, 071149) and 49-A-16E (Account ID # 071186) in the Prices Fork Magisterial District. The property currently lies in an area designated as a Rural Area in the Comprehensive Plan.

The Zoning Administrator provided a brief overview of this request. Blue Ridge Christian Camp received a Special Use Permit on July 18, 1986 for a church oriented campground located on Sterling Drive in the McCoy area of the County. Blue Ridge Christian Camp is requesting an amendment to allow the construction of a new dining, residential and indoor activity facilities. At their May 12, 2004 meeting, the Planning Commission recommended approval of this request with five conditions.

Bradford Stipes, Anderson and Associates, agent for the applicant, spoke on behalf of Blue Ridge Christian Camp. The camp is supported by 13 area churches and presently accommodates up to 100 campers. The camp has been well maintained throughout the years and makes every effort to be a good neighbor. The existing dining and dormitory spaces are dated and it is the desire of the Camp's Board of Directors to build a new dining hall and indoor activity center. Mr. Stipes thanked the Board for their consideration and asked for their support by approving this request.

There being no further speakers, the public hearing was closed.

Proposed Ordinance Reducing the Personal Property Tax on Aircrafts

Proposed Ordinance designating Aircraft as a separate classification for local taxation purposes and reducing the personal property tax on aircrafts from \$2.45 to \$1.23 per \$100 of assessed value.

The County Administrator provided a brief overview on the proposed ordinance. In December 2003, The Virginia Tech/Montgomery Regional Airport Authority requested for the Board to consider examining the County's tax policies on aircraft. Michael St. Jean, Airport Director, believes that lowering the County's tax rate on aircrafts will result over five years in approximately ten to fifteen additional planes being parked at the Airport. These additional planes will purchase more fuel and pay more fees, which will result in additional revenues coming to the Airport. If the personal property tax is reduced to \$1.23 per \$100 assessed value, a total loss of \$1,800 in revenue has been calculated.

Larry Martin expressed his opposition to the proposed ordinance. Mr. Martin believes someone who can afford to purchase a plane should be able to afford to pay the taxes. If the Board is considering reducing taxes then they should consider reducing the real estate tax where it will benefit the citizens who cannot afford to pay high real estate taxes or for businesses who have to pay high taxes.

Following discussion, the Board requested the County Administrator to provide them with additional information regarding aircraft tax. They requested how many aircrafts are listed on the tax book in Montgomery County. What other localities have reduced the personal property tax on aircrafts and have they seen an increase in revenues from other sources such as fuel sales and additional planes being registered.

There being no further speakers, the public hearing was closed.

PUBLIC ADDRESS SESSION

Michael Hemphill expressed appreciation to the Board for their support and approval to proceed with Phases 1-3 of the Meadowbrook Branch Public Library. He thanked the County Administrator and staff for working on this project and developing a plan for the library.

W.P. Turpin addressed the Board with concerns regarding the noise at the Corning Plant. Mr. Turpin stated this has been an ongoing problem for five years. He stated two years ago Corning admitted there was a noise problem and agreed to correct the problem. To date, they have not solved the problem. Mr. Turpin stated he is upset that the Christiansburg Town Manager and Corning's Plant Manager refuse to communicate with him about this issue. He asked the Board for their help in getting this matter resolved.

ADDENDUM

On a motion by Gary D. Creed, seconded by Steve L. Spradlin and carried unanimously, the following addendum dated May 24, 2004 was added to the agenda:

1. INTO CLOSED MEETING

- (3) Discussion or Consideration of the Acquisition of Real Property for Public Purpose, or of the Disposition of Publicly Held Real Property, Where Discussion in an Open Meeting Would Adversely Affect the Bargaining Position or Negotiation Strategy of the Public Body

2. Request for Right-of-Way

2. NEW BUSINESS

A. Criteria and Fees for Highway Signing Programs

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Gary D. Creed	None	Mary W. Biggs
Annette S. Perkins		John A. Muffo
Steve L. Spradlin		
Doug Marrs		
James D. Politis		

CONSENT AGENDA

On a motion by Annette S. Perkins, seconded by Gary D. Creed and carried unanimously, the Consent Agenda dated May 24, 2004 was approved.

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Steve L. Spradlin	None	Mary W. Biggs
Doug Marrs		John A. Muffo
Gary D. Creed		
Annette S. Perkins		
James D. Politis		

Approval of Minutes

On a motion by Annette S. Perkins, seconded by Gary D. Creed and carried unanimously, the minutes dated April 26, 2004 and May 10, 2004 were approved.

Extension Office - Appropriation

On a motion by Annette S. Perkins, seconded by Gary D. Creed and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of the County of Montgomery, Virginia that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2004 for the function and in the amount as follows:

910	Outside Agencies	\$47,200
	Local Extension Services	

The source of the funds for the foregoing appropriation is as follows:

<u>Revenue Account</u>	
419108 Recovered Costs	\$47,200

Said resolution appropriates funds received from Floyd and Pulaski Counties to cover the costs of the part-time extension agents.

Goodwill Industries - Appropriation

On a motion by Annette S. Perkins, seconded by Gary D. Creed and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of the County of Montgomery, Virginia that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2004 for the function and in the amount as follows:

910	Outside Agencies	\$4,000
	Goodwill Industries	

The source of the funds for the foregoing appropriation is as follows:

Revenue Account

451203 Undesignated Fund Balance	\$4,000
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Said resolution appropriates funding for Goodwill Industries from monies provided for this organization in FY 03, that were not previously reappropriated.

E-911 Street Name -Running Buck Road

On a motion by Annette S. Perkins, seconded by Gary D. Creed and carried unanimously,

WHEREAS, There are two residences on a private road located off North Fork Road (SR 603), and the property owners have petitioned the county to name this road “Running Buck Road”; and

WHEREAS, Running Buck Road complies with the County Street Name Policy.

NOW, THEREFORE, BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that, after duly considering said request, the Board hereby approves the use of the name Running Buck road.

Appointment - Alcohol Safety Action Program

On a motion by Annette S. Perkins, seconded by Gary D. Creed and carried unanimously,

BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby reappoints

Joey Showalter to the Alcohol Safety Action Program (New River Valley) effective June 1, 2004 and expiring May 31, 2005.

Resolution of Appreciation - Broomin' and Bloomin' Annual Cleanup

On a motion by Annette S. Perkins, seconded by Gary D. Creed and carried unanimously,

WHEREAS, The Montgomery County Board of Supervisors supported and endorsed the 21TH Annual "***Broomin' and Bloomin'***" clean-up day held on Saturday, April 17, 2004; and

WHEREAS, The Montgomery County Board of Supervisors understands that 43 numerous private and public organizations and over 493 volunteers participated in this effort; and

WHEREAS, The Montgomery County Board of Supervisors is aware that approximately 100 miles of roadsides, two streams, four illegal dumps, three parks, and one Montgomery County school were cleaned; and

WHEREAS, The Montgomery County Board of Supervisors is aware that over 31,045 pounds of debris have been collected, including 293 tires.

NOW, THEREFORE, BE IT RESOLVED, The Montgomery County Board of Supervisors extends a unanimous vote of appreciation to the ***Montgomery County Improvement Council*** on the successful coordination of this effort.

FURTHER, BE IT RESOLVED, That all organizations and individuals contributing to this effort are hereby recognized and commended for their contribution toward the beautification efforts in Montgomery County.

NEW BUSINESS

Criteria and Fees for Highway Signing Programs

On a motion by Gary D. Creed, seconded by Doug Marrs and carried unanimously,

WHEREAS, The Virginia Department of Transportation (VDOT) has developed draft criteria and fees for the "Integrated Directional Signing Program" (IDSP); and

WHEREAS, The proposed criteria include provisions that may make it easier to bump, or exclude from the Program, existing signs that fall into the category of Supplemental Guide Signs and Tourist

Oriented Directional Signs (TODS); and

WHEREAS, The proposed criteria and fee structure include a component that would assess an annual fee on counties of up to \$1,000 on Supplemental Guide Signs and TODS; and

WHEREAS, No annual fee is currently charged for existing Supplemental Guide Signs or TODS; and

WHEREAS, Supplemental Guide Signs and TODS promote the orderly flow of traffic while helping to guide motorists to such destinations as visitor centers, museums, cultural attractions, public schools, and government offices/facilities, etc.; and

WHEREAS, Fees proposed for Supplemental Guide Signs and TODS could create a financial burden for non-profit organizations, public school systems, and local governments; and

WHEREAS, It appears inappropriate to develop a revenue stream from provision of basic traffic management.

THEREFORE, BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia opposes the proposed criteria and urges VDOT to modify the proposed IDSP criteria so that existing Supplemental Guide Signs and TODS are not removed or excluded from the Program, as such removal would likely be detrimental to the function of the signed facilities and to the orderly flow of traffic.

BE IT FURTHER RESOLVED, That the Board of Supervisors of Montgomery County, Virginia opposes the annual fee for Supplemental Guide Signs and TODS and urges VDOT to modify the proposed IDSP criteria and fee structure so that no annual fees are charged for Supplemental Guide Signs and TODS.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Doug Marrs	None	Mary W. Biggs
Gary D. Creed		John A. Muffo
Annette S. Perkins		
Steve L. Spradlin		
James D. Politis		

INTO WORK SESSION

On a motion by Annette S. Perkins, seconded by Steve L. Spradlin and carried unanimously,

BE IT RESOLVED, The Board of Supervisors hereby enters into Work Session for the purpose of discussing the following:

1. Conservation Easements
2. Meadowbrook Branch Public Library
3. Coal Miners Heritage Park
4. Merchants Capital Tax - Elimination of the August 1 Assessment

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Annette S. Perkins	None	Mary W. Biggs
Steve L. Spradlin		John A. Muffo
Doug Marrs		
Gary D. Creed		
James D. Politis		

Conservation Easements

Elizabeth Obenshain, Executive Director, New River Land Trust, reported on open space and conservation easements. Montgomery County is losing 1,200 acres of farmland to development each year. Because of tight budgets, state governments are doing little to protect our natural heritage. Virginia ranked 50th out of 50 states in funding for natural resources. Most land conservation is now being done through land trusts. A conservation easement is a voluntary legal restriction on land. A farmer gives up or sells the right to put a subdivision or shopping mall on his/her land. The owner retains all the traditional uses such as farming and also retains limited development rights, one house per 100 acres. In exchange, the landowner receives generous tax credits and deductions from both the state and federal government. One major hurdle that keeps landowners from donating easements is the up-front costs of an easement. Appraisal and legal fees can total \$4,500 - \$6,000. Some landowners cannot afford to pay these costs. Having a fund to pay all or part of the cost could help protect open space in Montgomery County.

Joe Powers, Planning Director, described several options available to provide assistance with the cost associated with conservation easements:

Option 1: Establishment of a Loan Fund- Montgomery County would loan the New River Land Trust

\$20,000 to be used as a revolving loan fund to assist lower income landowners with the up-front costs of establishing a conservation easement on their land. The revolving fund would be administered by the New River Land Trust. It is recommended that the eligibility requirements be restricted to applicants where total household income does not exceed 150% of the eligibility limit for the county's tax relief program.

Option 2: Establishment of Acquisition Fund - An acquisition fund would be established to purchase conservation easements. Funding would be provided from a portion of the roll-back taxes that are received by the county under the Land Use Assessment & Taxation Program. Presently, the county budgets \$35,000 in roll-back taxes each fiscal year. Any amount received over the \$35,000 would be placed in an acquisition fund. The use of acquisition funds to purchase conservation easements would be reviewed and approved by the Board of Supervisors on a case by case basis.

Following discussion, it was the consensus of the Board to move forward in developing a policy, criteria, eligibility requirements, and creating a loan fund for conservation easements.

Meadowbrook Branch Public Library

The County Administrator reported Tom's Creek Investors has hired Hill Studio to assist in the Meadowbrook project. They are asking the County to submit a letter of interest to the Virginia Department of Housing and Community Development (DHCD) requesting a Planning Grant for an expanded Community Services Facility Project. The County Administrator introduced Evelyn Slone, who described the project in more detail.

Ms. Slone stated that Tom's Creek Investors would like to develop a Community Services Facility in a portion of the old Meadowbrook Nursing Home. The County has already committed to renovating a portion for a library. It is envisioned that 27,500 square feet of the facility will be utilized as a community center and the remaining 11,000 square feet as a library. The Meadowbrook Steering Committee, which was organized by Tom's Creek Investors, held several community work meetings and organized local volunteers to develop a comprehensive plan for needed community programs and activities. A Planning Grant through the DHCD could provide the County with an additional \$25,000 to conduct various planning related activities for the Meadowbrook Center that are fundamental to developing a successful grant application with a higher probability for funding. A similar community services facility in Grayson County was awarded \$700,000 in Community Development Block Grant funds in 2002. Hill Studio will provide planning, master planning, and grant application for this project. Ms. Sloane asked the Board of Supervisors to support submitting a letter of interest for a planning grant in the amount of \$25,000.

Coal Miners Heritage Park

The County Administrator reported that Chris Valluzzo, County TV/Media Specialist, is producing a 30 minute documentary video on the Coal Mining Heritage Park and the history of coal mining in Montgomery

County, to be completed in early June 2004. Mr. Vulluzzo has discussed with the Coal Mining Heritage Association (CMHA) a proposal for sales of the video, with the initial proceeds covering the cost of video duplication and any net proceeds earmarked for future development of the Coal Mining Heritage Park. The Coal Mining Heritage Day is scheduled for June 12, 2004 and CMHA want to sell the videos that day. The County Administrator explained this would be a one-time partnership, specific to this video project. However, the Public Information staff is drafting a policy for Board of Supervisors' approval that governs the types of video projects and partnerships to be undertaken in the future. The County Administrator is seeking authorization from the Board of Supervisors to enter into a sales proposal with the CMHA for the sale of the Coal Mining Heritage Park video.

Following discussion, it was consensus of the Board to authorize the County Administrator to enter into a sales agreement with the CMHA for the sale of the Coal Mining Heritage Park videos.

Merchants Capital Tax

Supervisor Politis believes that there is a problem with twice a year assessment for Merchants Capital Tax. The requirement of a second assessment is disruptive to a number of businesses in order for them to take inventory. He would like for this second assessment to be eliminated and suggested the Board move forward with scheduling a public hearing on the issue.

Supervisor Creed suggested that the Board look into changing the merchants capital tax rate at the same time in order to avoid holding two separate public hearings.

The County Administrator suggested that if it is the Board's desire to eliminate the second assessment then a public hearing should be held as soon as possible in order to prevent unnecessary expense for the Commissioner of Revenue.

OUT OF WORK SESSION

On a motion by Steve L. Spradlin, seconded by Doug Marrs and carried unanimously,

BE IT RESOLVED, The Board of Supervisors ends their Work Session to return to Regular Session.

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Steve L. Spradlin	None	Mary W. Biggs
Doug Marrs		John A. Muffo

Gary D. Creed
Annette S. Perkins
James D. Politis

Schedule a Public Hearing - Merchants Capital Tax

On a motion by Gary D. Creed, seconded by Annette S. Perkins and carried unanimously,

BE IT RESOLVED, The Board of Supervisors of the County of Montgomery, Virginia hereby schedules a public hearing for Monday, June 28, 2004 at 7:15 p.m. or as soon thereafter, in the Board of Supervisors Meeting Room in the Montgomery County Government Center located at 755 Roanoke Street, Christiansburg, Virginia in order to hear citizen comments on the following proposed ordinance:

An Ordinance amending the Merchant's Capital Tax by eliminating the second assessment date of August 1 effective immediately; and by reducing the Merchant's Capital Tax rate from \$4.50 to \$3.05 per \$100 of assessed value with the rate change effective January 1, 2005.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Doug Marrs	None	Mary W. Biggs
Gary D. Creed		John A. Muffo
Annette S. Perkins		
Steve L. Spradlin		
James D. Politis		

Letter of Interest - Planning Grant for the Meadowbrook Community Services Facility

On a motion by Gary D. Creed, seconded by Annette S. Perkins and carried unanimously,

BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby authorizes the County Administrator to submit a letter of interest to the Virginia Department of Housing and Community Development for a Planning Grant in the amount of \$25,000 to assist Montgomery County in conducting further project planning for a community services facility in Shawsville to be located in the former Meadowbrook Nursing Home.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
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Doug Marrs	None	Mary W. Biggs
Annette S. Perkins		John A. Muffo
Steve L. Spradlin		
Gary D. Creed		
James D. Politis		

COUNTY ATTORNEY'S REPORT

Towing Ordinance and Creation of Towing Advisory Board

The County Attorney reported that the Sheriff has received complaints about excessive towing charges in Montgomery County. The County can create a towing ordinance to establish policies and guidelines. State code requires the county to create a Towing Advisory Board before they adopt an ordinance. The County Attorney suggested that the Advisory Board consist of law enforcement (Sheriff and State Police representative), representatives from towing companies, and citizen representatives.

Sheriff Whitt commented that a towing ordinance is needed. The County needs to hold the towing companies accountable for excessive towing charges in the County. He agrees that a Towing Advisory Board should be created in order to receive comments and recommendations from the citizens and towing companies.

Robert Young, owner of a towing company, addressed the Board concerning the proposed adoption of a towing ordinance. Mr. Young stated there are many factors to consider when estimating the cost of a tow. Any time a towing company does police work, their liability insurance is higher, therefore the cost of towing at the request of law enforcement is higher. Mr. Young does not oppose a towing ordinance, but urged the Board to consider all factors and get recommendations from the towing companies.

Following discussion, the Board requested a resolution creating a Towing Advisory Board be added to the June 14, 2004 agenda. Supervisor Politis also suggested Board members forward a list of citizen representatives who would like to serve on this board to the County Administrator.

BOARD MEMBERS' REPORTS

Supervisor Perkins noted that Supervisor Biggs' absence is due to her visiting family, and attending her niece's graduation in Colorado.

Supervisor Spradlin submitted a list of roads that are in need of pothole repairs and several roads that need stop signs. He requested this be forwarded to VDOT.

Speed Study - Sterling Drive Supervisor Spradlin submitted a petition for a speed study to be conducted on Sterling Drive.

Torch Run for Special Olympics - Law Enforcement Supervisor Spradlin reported the annual torch run by local law enforcement will be held June 8, 2004.

Supervisor Politis attended the Social Services Board meeting today. Discussion included the increase in state funding and joining the County's Compensation and Pay Plan.

INTO CLOSED MEETING

On a motion by Annette S. Perkins, seconded by Steve L. Spradlin and carried unanimously,

BE IT RESOLVED, The Board of Supervisors hereby enters into Closed Meeting for the purpose of discussing the following:

- Section 2.2-3711 (1) Discussion , Consideration or Interviews of Prospective Candidates for Employment; Assignment, Appointment, Promotion, Performance, Demotion, Salaries, Disciplining or Resignation of Specific Officers, Appointees or Employees of Any Public Body
1. Virginia's First Regional Industrial Facility Authority
- (3) Discussion or Consideration of the Acquisition of Real Property for Public Purpose, or of the Disposition of Publicly Held Real Property, Where Discussion in an Open Meeting Would Adversely Affect the Bargaining Position or Negotiation Strategy of the Public Body
1. Blacksburg Middle School Property
2. Request for Right -of-Way

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Doug Marrs	None	Mary W. Biggs
Steve L. Spradlin		John A. Muffo
Annette S. Perkins		
Gary D. Creed		

James D. Politis

OUT OF CLOSED MEETING

On a motion by Gary D. Creed, seconded by Annette S. Perkins and carried unanimously,

BE IT RESOLVED, The Board of Supervisors ends their Closed Meeting to return to Regular Session.

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Doug Marrs	None	Mary W. Biggs
Steve L. Spradlin		John A. Muffo
Annette S. Perkins		
Gary D. Creed		
James D. Politis		

CERTIFICATION OF CLOSED MEETING

On a motion by Gary D. Creed, seconded by Steve L. Spradlin and carried unanimously,

WHEREAS, The Board of Supervisors of Montgomery County has convened a Closed Meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3711 of the Code of Virginia requires a certification by the Board that such Closed Meeting was conducted in conformity with Virginia law.

NOW, THEREFORE, BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia hereby certifies that to the best of each member's knowledge (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion conveying the closed meeting were heard, discussed or considered by the Board.

VOTE

AYES

Gary D. Creed
Annette S. Perkins
Doug Marrs
Steve L. Spradlin
James D. Politis

NAYS

None

ABSENT DURING VOTE

Mary W. Biggs
John A. Muffo

ABSENT DURING MEETING

Mary W. Biggs
John A. Muffo

ADJOURNMENT

On a motion by Doug Marrs, seconded by Gary D. Creed and carried unanimously, the Board adjourned to Monday, June 14, 2004 at 7:15 p.m.

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Steve L. Spradlin	None	Mary W. Biggs
Gary D. Creed		John A. Muffo
Annette S. Perkins		
Doug Marrs		
James D. Politis		

The meeting adjourned at 11:26 p.m.